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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,298	10/15/2003	G. Gary Gochanour	GGG-10402/29	7109
25006	7590	04/19/2006		EXAMINER
		GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C		BREAN, LAURA MICHELLE
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			ART UNIT	PAPER NUMBER
				3724

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/686,298	GOCHANOUR, G. GARY
	Examiner	Art Unit
	Laura M. Brean	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,6-10, and 12 is/are rejected.
- 7) Claim(s) 5 and 11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10/15/2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>02/17/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Page 7, lines 28-29, state that "a spring-loaded roller 130 rolls past a cutting blade 132, as shown schematically in Figure 1." However, it does not appear that the roller and blade are shown in Figure 1 and therefore it appears that "Figure 1" should be changed to --Figure 4--.

On page 8, line 1, the end of the sentence is missing.

On page 9, line 16, if the claim statement, "I claim" was left at the bottom on the specification and not continued onto the top of page 10, where the claims begin.

Appropriate correction is required.

### ***Claim Objections***

2. Claim 7 is objected to because of the following informalities:

There is a lack of antecedent basis for "the housing" as set forth in claim 7, line 6, and should therefore be changed to – a housing--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7, 10, are rejected under 35 U.S.C. 102(b) as being anticipated by Henderson (U.S. Patent 5,975,083). Henderson discloses a dispenser for a hand covering (sanitary hand barrier), comprising a housing (receptacle portion, 15) to receive a roll of thin, flexible film (film web, 23) having opposing side edges to be used as a hand covering (Figure 4); a form (triangular portion of the dispenser, shown in Figure 2) configured to be grasped by a user through the film such that the film temporarily clings to the user's hand. A user is capable of gasping the edge of the triangular portion through the film, whereby the film clings to some if not all of the user's hand. Henderson discloses a set of members (rails, 19/20) on either side of the housing to retain the side edges of the film as it moves through the dispenser for each use. Rails 19/20 are each a set of members as they are both comprised of a top member (rails 19/20) and a bottom member (surface referenced by 18).

In regards to claim 4, Henderson discloses a cutter (cutting blade, 22) to cut the film into individual sheets as shown in Figure 3.

In regards to claim 7, Henderson discloses a dispenser (sanitary hand barrier), comprising a roll of thin, flexible film (film web, 23) having opposing side (Figure 4) and an adhesive surface (adhesive surface, 27) to be used as a hand covering; a form (triangular portion of the dispenser, shown in Figure 2) configured to be grasped by a user through the film with the adhesive surface (27) such that the film temporarily clings to the user's hand. A user is capable of gasping the edge of the triangular portion

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through the film, whereby the film clings to some if not all of the user's hand.

Henderson discloses a set of members (rails, 19/20) on either side of the housing to retain the side edges of the film as it moves through the dispenser for each use. Rails 19/20 are each a set of members as they are both comprised of a top member (rails 19/20) and a bottom member (surface referenced by 18).

In regards to claim 10, Henderson discloses a cutter (cutting blade, 22) to cut the film into individual sheets as shown in Figure 3.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Larrable (U.S. Patent 3,821,915). Larrable discloses a dispenser of fiber sheets comprising a housing (frame, 12) to receive a roll of thin, flexible film (material, 54) having opposing side edges to be used as a hand covering; a form (cutting bed, 14) configured to be grasped by a user through the film (54) such that the film is capable of temporarily clinging to the user's hand; and a set of members (top/bottom of channel member, 21) on either side of the housing to retain the side edges of the film (54) as it moves through the dispenser for each use.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson. Henderson discloses the claimed invention except that the embodiment as shown in Figure 1 includes a hand-shaped opening to assist a user in grasping the form. However, in Figure 7, Henderson discloses a hand-shaped opening (hand shaped serration; column 4, lines 27-29) capable of assisting a user in grasping the form. The serration assists the user by providing an outline of where the user should place his or her hand while providing a barrier more approximating the human hand which may be demanded for manipulation or appearance (column 4, lines 22-26). It would have been obvious to have provided the hand shaped serration and thus hand shaped barrier (32) on the embodiment as shown in Figure 1 as taught by the embodiment as shown in Figure 7 to provide a barrier that it is more visually appealing and easier to work with.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larrable in view of Henderson, Jr. In regards to claim 7, Larrable discloses a dispenser comprising a roll of thin, flexible film (54) having opposing side edges and capable of being used as a hand covering, but does not disclose that the film has an adhesive surface. However, attention is directed to the Henderson device that discloses a material with an adhesive surface and a cutter for cutting the material. Although it is old and well known in the art that blades can cut materials with adhesive surfaces, for instance the cutters provided with tape dispensers, to the degree that it can be argued that the cutter of Henderson is not capable of cutting a material with an adhesive

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surface, it would have been obvious to one having ordinary skill in the art to have modified the blade of Henderson to a blade as taught by Larrable in order to expand the capability of the device by providing the ability to sever the material.

Larrable, as modified by Henderson, further discloses a form (cutting bed, 14) configured to be grasped by a user through the film with the adhesive surface facing outwardly such that the film is capable of temporarily adhering to the user's hand; and a set of members on either side of the housing (frame, 12) to retain the side edges of the film as it moves through the dispenser for each use.

9. Claims 2 and 3 are rejected under 35 U.S.C. 103(a).as being unpatentable over Larrable in view of Rudy (U.S. Patent 5,365,816). Larrable discloses the claimed invention except that the set of members on either side of the housing to retain the side edges of the film are interlocking chains or opposing belts. Larrable does disclose a system for conveying a carriage to and cutter to perform a cutting operation across a sheet of material. This conveying system provides a set of members on either side of the housing that retains the edges of the film, however these members are not chains or belts. Attention is therefore focused on the Rudy device that discloses a beam cutter with a system of belts and alternatively interlocking chains that performs the similar function of axially conveying a cutter for the purpose of severing material and in this instance, dough. Rudy discloses that it is old and well known in the art to utilize a looped system of belts and /or chains for conveying a blade and carriage assembly across the material to be severed. In this instance, it would have been obvious to

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modify the carriage system of Larrable to incorporate a looped chain and/or belt to convey the cutter across the material as taught by Rudy as both are equivalent systems.

10. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larrable in view of Henderson, Jr, and in further view of Rudy. Larrable, as modified by Rudy, discloses the claimed invention except that the set of members on either side of the housing to retain the side edges of the film are interlocking chains or opposing belts. Larrable does disclose a system for conveying a carriage to and cutter to perform a cutting operation across a sheet of material. This conveying system provides a set of members on either side of the housing that retains the edges of the film, however these members are not chains or belts. Attention is therefore focused on the Rudy device that discloses a beam cutter with a system of belts and alternatively interlocking chains that performs the similar function of axially conveying a cutter for the purpose of severing material and in this instance, dough. Rudy discloses that it is old and well known in the art to utilize a looped system of belts and /or chains for conveying a blade and carriage assembly across the material to be severed. In this instance, it would have been obvious to modify the carriage system of Larrable to incorporate a looped chain and/or belt to convey the cutter across the material as taught by Rudy as both are equivalent systems.

***Allowable Subject Matter***

11. Claims 5 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach a dispenser with a housing being lifted up that when falls back into position is responsible of resetting the dispenser as set forth in claims 5 and 11.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,238,641 to Smith discloses a roll of plastic film conveyed on a chain. U.S. Publication 2004/0000572 to Engelhardt, JR. et al. discloses a ticket dispensing apparatus with rollers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMB  
04/14/2006

  
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